

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 28, 2003

3:18 p.m.

MEMBERS PRESENT

Representative Tom Anderson, Chair
Representative Bob Lynn, Vice Chair
Representative Nancy Dahlstrom
Representative Carl Gatto
Representative Norman Rokeberg
Representative Harry Crawford
Representative David Guttenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 151

"An Act relating to claims and court actions for defects in the design, construction, and remodeling of certain dwellings; limiting when certain court actions may be brought; and amending Rules 79 and 82, Alaska Rules of Civil Procedure."

- MOVED CSHB 151(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 186

"An Act establishing the Radiologic Technology Board of Examiners; requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

- MOVED CSHB 186(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 13

"An Act declaring legislative intent to reject the continuity of enterprise exception to the doctrine of successor liability adopted in *Savage Arms, Inc. v. Western Auto Supply*, 18 P.3d 49 (Alaska 2001), as it relates to products liability; providing that a successor corporation or other business entity that acquires assets of a predecessor corporation or other business entity is subject to liability for harm to persons or property caused by a defective product sold or otherwise distributed commercially by the predecessor only if the acquisition is

accompanied by an agreement for the successor to assume the liability, results from a fraudulent conveyance to escape liability for the debts or liabilities of the predecessor, constitutes a consolidation or merger with the predecessor, or results in the successor's becoming a continuation of the predecessor; defining 'business entity' that acquires assets to include a sole proprietorship; and applying this Act to the sale, lease, exchange, or other disposition of assets by a corporation, a limited liability company, a partnership, a limited liability partnership, a limited partnership, a sole proprietorship, or other business entity that occurs on or after the effective date of this Act."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 162

"An Act increasing the fee for a state business license; and providing for an effective date."

- BILL HEARING POSTPONED to 04/04/03

PREVIOUS ACTION

BILL: HB 151

SHORT TITLE: DWELLING DESIGN/CONSTRUCTION CLAIMS

SPONSOR(S): REPRESENTATIVE(S) MEYER

Jrn-Date	Jrn-Page		Action
03/05/03	0396	(H)	READ THE FIRST TIME - REFERRALS
03/05/03	0396	(H)	L&C, JUD, FIN
03/05/03	0407	(H)	FIN REFERRAL REMOVED
03/26/03		(H)	L&C AT 3:15 PM CAPITOL 17
03/26/03		(H)	-- Meeting Canceled --
03/28/03		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: HB 186

SHORT TITLE: LICENSING RADIOLOGIC TECHNICIANS

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

Jrn-Date	Jrn-Page		Action
03/12/03	0511	(H)	READ THE FIRST TIME - REFERRALS
03/12/03	0511	(H)	L&C, HES, FIN
03/26/03		(H)	L&C AT 3:15 PM CAPITOL 17
03/26/03		(H)	-- Meeting Canceled --
03/28/03		(H)	L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE KEVIN MEYER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As sponsor of HB 151, presented the bill and answered questions.

JOHN BITNEY, Lobbyist

for Alaska State Homebuilders Association

Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 151 and answered questions.

ALAN WILSON, Legislative Group Co-Chair

Alaska State Homebuilders Association

Juneau, Alaska

POSITION STATEMENT: Spoke in support of HB 151, describing homebuilders' difficulty in obtaining general liability insurance.

TERRY BANNISTER, Attorney

Legislative Legal Counsel

Legislative Legal and Research Services

Legislative Affairs Agency

POSITION STATEMENT: As drafter of HB 151, answered questions about changes in Court Rule 82.

HEATHER BEATY, Staff

to Representative Tom Anderson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Described the changes in the proposed CSHB 186.

BARBARA HUFF TUCKNESS, Director of Legislative and Governmental Affairs

General Teamsters, Local 959, Alaska

Anchorage, Alaska

POSITION STATEMENT: Testified in support of proposed CSHB 186.

CHRISTINE LUNG, Director of Government Relations

American Society of Radiologic Technologists (ASRT)

Albuquerque, New Mexico

POSITION STATEMENT: Spoke in support of HB 186.

DONNA RUFSHOLM, President
Alaska Society of Radiologic Technologists
Homer, Alaska

POSITION STATEMENT: Described why her organization requested legislative action in the form of HB 186.

DALE COLLINS, Program Chair
Radiologic Technology
Medical Imaging Sciences Department
University of Alaska Anchorage
Anchorage, Alaska

POSITION STATEMENT: During the hearing on HB 186, described the current 19-month radiologic technologist program offered at UAA.

RICK URION, Director
Division of Occupational Licensing
Department of Community & Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions about writing regulations for HB 186.

ACTION NARRATIVE

TAPE 03-24, SIDE A

Number 0001

CHAIR TOM ANDERSON called the House Labor and Commerce Standing Committee meeting to order at 3:18 p.m. Representatives Anderson, Lynn, Dahlstrom, Gatto, Rokeberg, Crawford, and Guttenberg were present at the call to order.

HB 151-DWELLING DESIGN/CONSTRUCTION CLAIMS

Number 0050

CHAIR ANDERSON announced that the first order of business would be HOUSE BILL NO. 151, "An Act relating to claims and court actions for defects in the design, construction, and remodeling of certain dwellings; limiting when certain court actions may be brought; and amending Rules 79 and 82, Alaska Rules of Civil Procedure."

Number 0067

REPRESENTATIVE KEVIN MEYER, Alaska State Legislature, sponsor of HB 151, testified that this legislation gives homeowners and construction professionals a process to work out building

defects without going through litigation. This action is called "a notice and opportunity to repair process." He said this is a national movement; 20 other states are considering similar legislation; at least six states have passed it. This bill requires homeowners to provide a written notice at least 90 days prior to going into litigation so that the homebuilder has the opportunity to fix the defects. In Alaska, contractors and homebuilders are required to have liability insurance. As the result of some [court] judgments, liability insurance is harder to get and is very expensive, he testified, and unfortunately, that expense gets passed onto the homebuyer. Representative Meyer said he agreed to carry HB 151 because it is a consumer protection measure. The bill allows for timely repairs within 90 days. Otherwise, if people have to go through the courts, resolution [of the problem] can drag on for years. He said there is a lot of motivation by the homebuilders to get defects fixed before the dispute goes to court.

Number 0252

REPRESENTATIVE GATTO moved to adopt the proposed committee substitute (CS) for HB 151, Version 23-LS0499\I, Bannister, 3/27/03, as the working document. There being no objection, Version I was before the committee.

REPRESENTATIVE MEYER explained the two minor changes in the CS. The language on page 2, line 1, clarifies that the bill deals with a construction defect in a substantially completed dwelling or a remodeling job. He said the original language was too vague and needed to reflect the wording on page 2, lines 6-9, paragraph (b)(2). The second change is on page 6, lines 2-18, and requires that statutory language be added to the contract. This change gives the consumer and the homebuilder information on the statute that governs claims brought under this process.

Number 0412

REPRESENTATIVE ROKEBERG asked if the "notice of claim" is preparatory to a formal court action or is it separate.

Number 0472

JOHN BITNEY, Lobbyist for the Alaska State Homebuilders Association, replied that HB 151 requires the homeowner to serve a notice on or send a certified letter to the builder. Once the defect is discovered, the homeowner sends the notice; this step must be done before a homeowner can file a claim in court. The

process is found on page 2, lines 12-24, "Notice of claim." Throughout the whole process, if discussions break down, the homeowner always has the option of going to court, he said. Under HB 151, the builder has the opportunity to get the problem fixed before litigation gets started. Currently, the homeowner is reluctant to have any work at all done on the defect because it's evidence [in a potential lawsuit]. If the defect is unhealthy, for example, causing a mold problem in the person's home, it's important to get the problem fixed [right away], he added.

REPRESENTATIVE MEYER said that when [a problem arises with] a new house, the homeowner calls the homebuilder, who will come over and fix it. There may be times when the homebuilder gets busy; then the homeowner needs to put the request in writing. Then the clock starts, and the homebuilder has 90 days to fix the problem. If it's not repaired, it can be litigated.

Number 0627

REPRESENTATIVE ROKEBERG asked when the one-year clock begins and if it includes the 90 days.

MR. BITNEY replied that according to the language on page 1, line 13, the claimant must notify the builder within one year of discovering the defect. That year must fall within the 10 years after the completion of the construction or remodeling. The law will still have the same 10-year statute of limitation.

REPRESENTATIVE ROKEBERG confirmed that the consumer can bring a complaint within 10 years. For purposes of this statute, he only has a year to bring the complaint to the builder.

MR. BITNEY reiterated that the complaint must be reported within a year after discovery, within the 10-year timeframe. He clarified that if the defect is discovered after 9 years and 2 months, the consumer has 10 months to notify the builder of the problem.

REPRESENTATIVE GATTO asked how an unscrupulous contractor could exploit HB 151.

Number 0772

ALAN WILSON, Legislative Group Co-Chair, Alaska State Homebuilders Association, replied that his group does not believe this [bill gives homebuilders an unfair advantage]. He

said that nothing in HB 151 prevents a homeowner from bringing in an expert to do further investigative work on a problem. If the homeowner asks the contractor to repair an item, and more problems are discovered, then the homeowner can still request the contractor to fix additional things; the homeowner can start the process again and again. He testified that a majority of homebuilders are trying to deliver a quality product and want the opportunity to fix the problem rather than go to court.

REPRESENTATIVE GUTTENBERG noted that this bill narrows the options of buyers and builders who are abusers. He asked if this bill establishes a lemon law for bad homes.

MR. WILSON replied [HB 151] does not go that far.

REPRESENTATIVE ROKEBERG asked Mr. Wilson to describe the insurance problems in his industry. He noted the example of Chuck Spinelli, an Anchorage contractor, whose insurance increased from \$50,000 to \$400,000 a year.

Number 0933

MR. WILSON said the bigger issue for the homebuilding industry is insurance - not so much the cost, as the availability. Some builders have experienced a 600 percent increase in premiums, he testified. A few years ago, a business could look elsewhere for insurance and find another company writing the same coverage for less money. Today, he said, there are only two insurers in the state writing general liability policies for the homebuilder industry. The builder might get a policy at a higher cost but with reduced coverage. He said that insurance companies are not covering mold problems; they're not even willing to write product liability any longer. He said that the insurance industry wants to see action by homebuilders that will reduce these lawsuits with high awards. He said that HB 151 is a step in that direction.

Number 1004

REPRESENTATIVE ROKEBERG asked whether this bill is a mini tort reform or an alternative dispute resolution that benefits the consumer. He noted that HB 151 prevents the consumer from getting attorney's fees in court if the consumer rejects the homebuilder's offer or doesn't allow the homebuilder to repair the defect.

MR. WILSON replied that HB 151 is a form of alternative dispute resolution. He said that experience shows that when these cases go to court, the repairs happen years later; the damages are often greater than they were on day one. Often, there's not enough money left after the court costs are paid to get the problem fixed. That's unfair to any consumer, he said. This bill is really consumer protection legislation, he added.

Number 1071

REPRESENTATIVE ROKEBERG asked how HB 151 will help homebuilders in their dealings with consumers.

MR. WILSON replied that HB 151 forces clients and builders to communicate, which should resolve a lot of issues. He said it puts consumers in a more advantageous position when they're dealing with builders. The bill allows consumers to avoid going to court, which can be a costly and lengthy process.

REPRESENTATIVE GATTO mentioned that 9 of the 12 letters from contractors in his bill packet are identical. He said this looks like a campaign to get legislators to support this bill.

MR. WILSON acknowledged that his association sent out sample letters to its members.

CHAIR ANDERSON added that the letters show that these companies endorse the bill.

Number 1177

REPRESENTATIVE DAHLSTROM asked if HB 151 covers [building] code violations.

MR. WILSON replied that code violations are typically caught during the construction phase, final inspections, or the certificate of occupancy phase. If a problem was missed, the homeowner could address that as a defect.

REPRESENTATIVE GATTO said that previously Rule 82, [Alaska Rules of Civil Procedure,] allowed the person prevailing in a lawsuit to collect 20 percent of the settlement [for attorney's fees]. He asked if Rule 82 is modified in HB 151.

Number 1236

TERRY BANNISTER, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency, drafter of the bill, confirmed that the title of HB 151 amends Rule 82. Language on page 7, Section 4, starting on line 29, indicates that AS 09.45.889(b) also changes Rule 82 "by allowing the court to deny costs to a claimant in the situation described in AS 09.45.889(b), even if the claimant is the prevailing party." It changes the rule to that extent, she said.

REPRESENTATIVE GATTO asked if the bill intends to deny the prevailing party the usual right to have some of his expenses paid by the losing party.

MS. BANNISTER explained that she can't speak to the intent of the bill.

Number 1308

REPRESENTATIVE GUTTENBERG asked about the language on page 2, line 21, referring to rules of evidence and discovery. He noted that the legislature is trying to encourage a resolution between a contractor and a builder.

MS. BANNISTER said this language describes what a claimant must produce in order to show [the builder] what [the defect is].

REPRESENTATIVE GUTTENBERG asked if the court rules of evidence are a higher standard than just saying, "Here's a picture of what I found."

MS. BANNISTER said she doesn't know if it's a higher standard; it's an ascertainable standard. If the rules of evidence allow the information [to be used in court], the person has to [follow that procedure].

REPRESENTATIVE ROKEBERG asked if this is a mini-discovery process.

Number 1392

MS. BANNISTER agreed that it's a discovery process and the bill uses as the criteria the [Alaska] Rules of Evidence. It's about what [information] can be produced.

REPRESENTATIVE GUTTENBERG said he wants this to be an easy process so two people can say, "The faucet is broken." He said

he wants this [conversation between consumer and builder] to go smoothly; he doesn't want to have somebody come back later and say, "You didn't follow the rules of evidence."

REPRESENTATIVE ROKEBERG said the sponsor may want to look at this issue of using court rules of evidence. He asked whether there's a simpler method of [describing the defect]. He said he prefers that before the claimant hires an attorney and follows the court rules, the person will call up the builder and say, "Hey, we've got a problem." And the builder will say, "Okay, I'll come out and fix it." He suggested this procedure might be self-correcting. He said he doesn't want somebody to have to hire an attorney to get the faucet fixed.

Number 1532

REPRESENTATIVE ROKEBERG moved to report CSHB 151, Version 23-LS0499\I, Bannister, 3/27/03, out of committee with individual recommendations and the committee fiscal notes that will be provided. There being no objection, CSHB 151(L&C) was reported from the House Labor and Commerce Standing Committee.

HB 186-LICENSING RADIOLOGIC TECHNICIANS

Number 1576

CHAIR ANDERSON announced that the final order of business would be HOUSE BILL NO. 186, "An Act establishing the Radiologic Technology Board of Examiners; requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

Number 1607

The committee took an at-ease from 3:47 to 3:48 p.m.

Number 1618

REPRESENTATIVE LYNN moved to adopt the proposed CSHB 186, Version 23-LS0380\S, Lauterbach, 3/25/03, as the working document. There being no objection, Version S was before the committee.

Number 1639

CHAIR ANDERSON, as the sponsor of HB 186, explained that members of the [Alaska] Society of Radiologic Technologists approached him last summer about introducing a bill that would license radiologic technicians and create a board of examiners. He said the bill has been introduced several times in the past 10 years. He said he favors careful scrutiny and licensing of people employed in the health care field. He stated that an error by a technician doing a mammogram, for example, could result in overlooking a case of breast cancer.

Number 1723

HEATHER BEATY, Staff to Representative Tom Anderson, Alaska State Legislature, summarized the changes in the proposed committee substitute (CS) for HB 186. She said these changes were discussed with staff from the Division of Occupational Licensing. On page 4, line 12, Sec. 08.89.130, new language gives the Radiologic Technology Board of Examiners authority to evaluate educational programs from out of state. The bill's original language required that all applicants for full licensure must have graduated from an in-state educational program. The proposed CS language provides for graduation from any program that the board decides meets the criteria outlined within the section. The change on page 6, line 1-4, Sec. 08.89.160, makes the same revision.

MS. BEATY explained that another change on page 7, line 4, Sec. 08.89.180, removes language [in the original bill] pertaining to a lapse in licensure. By removing this subsection, the licensees would be governed by the centralized licensing statute, which allows for a grace period in renewal of licenses and allows the board to charge a late penalty for renewals made after the expiration date. The original language in HB 186 would require a licensee to begin a new application process if there were any lapse in licensure. Ms. Beaty explained that this is consistent with the way other boards in Alaska provide licensure and allows for a small lapse. On page 8, line 10, Sec. 08.89.300, the words "holding a license or permit" are added after "person." Sec. 08.89.330 on 8, starting on line 26, adds language indicating the board's authority to deny an application or renewal of licensure for disciplinary reasons. She explained that this change was made at the request of division officials. The last change on page 10, line 13, adds "dentists" as a "licensed practitioner" qualified to supervise the performance of radiologic examinations by licensees.

Number 1929

BARBARA HUFF TUCKNESS, Director of Legislative and Governmental Affairs, General Teamsters, Local 959, Alaska, testified in support of HB 186 and the changes in the proposed CS. She said the Teamsters represent radiologic technologists at hospitals in Homer and Kodiak. The members support the requirement that individuals working in the industry, whether in a hospital or clinic setting, are certified and are therefore able and eligible to perform the tasks, whether it's mammography, MRI or bone density tests. The work is important because physicians use it to make recommendations for the next step in treatment. She said the Teamsters also support the bill from a public health and safety perspective, giving patients the assurance that qualified people are doing the job.

Number 2038

CHRISTINE LUNG, Director of Government Relations, American Society of Radiologic Technologists (ASRT), explained that her professional organization was founded to promote the proper and safe delivery of medical imaging and radiation therapy procedures. She said ASRT is concerned about the risks from unnecessary radiation exposure. She stated that 90 percent of public exposure to radiation results from medical procedures, primarily diagnostic x-ray exams performed by radiologic technologists. Ms. Lung stated that the federal Food and Drug Administration, Bureau of Radiologic Health, estimates that 30 percent of exposures to manmade radiation are unnecessary, and 5 to 10 percent of unnecessary exposures are attributed to repeated x-ray exams. She said that ASRT is concerned that overuse as well as the improper use of medical radiation is an ever-increasing health hazard to the public.

MS. LUNG testified that currently a physician using x-ray equipment in his practice is under no obligation to require any credential or specific education of the employee who operates medical imaging or radiation therapy equipment. She said in Alaska, anyone off the street can be hired in the morning to operate this potentially dangerous equipment that the afternoon. She said her society believes that HB 186 will help alleviate this disparity in health care.

Number 2115

MS. LUNG said there are over 400 radiologic technologists registered in the State of Alaska by a voluntary certification body, the American Registry of Radiologic Technologists (ARRT).

However, she said, there's no way of knowing how many people with minimal training and no certification are operating x-ray, radiation therapy, and other medical imaging equipment in Alaska. These people are administering potentially harmful radiation without having demonstrated scientific knowledge, technical understanding, clinical competency, or professional responsibility. She said that 36 other states currently license radiologic technologists and radiation therapists. She said she hopes the State of Alaska will join these other states in making sure that the people performing medical imaging and delivering radiation therapy are properly educated and credentialed, as evidenced by being licensed.

Number 2172

REPRESENTATIVE ROKEBERG asked whether the federal Consumer-Patient Radiation Health and Safety Act of 1981 requires workers in the field to be certified.

MS. LUNG responded that this federal law sets voluntary standards for the states. She said that HB 186 would meet these voluntary requirements. She said that her organization and 16 other national societies representing radiation and medical imaging personnel are pursuing an amendment to the 1981 federal law, H.R. 1214. This amendment would require states to comply with the law's mandates at the risk of losing state Medicaid matching funds for radiologic procedures.

REPRESENTATIVE ROKEBERG asked questions about whether the ASRT provides educational courses or certifications.

MS. LUNG replied that the ASRT does not provide courses for people entering the profession but it does do continuing education training for registered radiologic technologists. She explained that it does not offer certifications; rather it represents professionals in the field. She explained that a national agency, the ARRT, provides the examination and credentials.

Number 2289

REPRESENTATIVE GUTTENBERG asked if HB 186 meets a national standard or conforms to other state's norms for radiologic technologists.

MS. LUNG replied yes.

Number 2352

DONNA RUFSHOLM, President, Alaska Society of Radiologic Technologists, reiterated why the Alaska organization requested Representative Anderson to sponsor HB 186. She said that HB 186 ensures that Alaskans will have access to safe and high-quality radiologic care without geographical limitations. She cited the problems identified in the written testimony submitted by the State of Alaska's radiologic health specialist. These examples included operators exposing patients to as much as 60 times more radiation than necessary for medical procedures; operators who practice by exposing each other to x-rays; unrestricted x-ray beams; inexperienced, untrained and under-trained personnel performing radiologic procedures on patients.

TAPE 03-24, SIDE B

Number 2379

MS. RUFSHOLM stated that many patients assume that people performing medical procedures know what they are doing. She said that licensure through HB 186 will give Alaskans the confidence that they'll have access to high quality radiologic care whenever they go into a facility for an x-ray.

Number 2330

REPRESENTATIVE DAHLSTROM asked about the cost of the licensing.

CHAIR ANDERSON explained that the fiscal note would be discussed after the witnesses testify.

REPRESENTATIVE ROKEBERG inquired about the availability of trained personnel, particularly in rural Alaska. He asked whether the bill allows a multi-tiered level of licensure that would assist people at the entry level of the profession.

MS. RUFSHOLM explained that the University of Alaska Anchorage (UAA) has a 19-month associate degree program in radiologic technology. UAA is also working with the society to develop a program for limited licensure so that individuals in rural areas can perform radiologic procedures safely and with confidence.

Number 2238

DALE COLLINS, Program Chair, Radiologic Technology, Medical Imaging Sciences Department, University of Alaska Anchorage, described the program that started in 2001 for career-entry

radiographers. Currently, 27 students are enrolled in the program, seven of whom will graduate in May as qualified radiographers. They will have the education stipulated by the ASRT and well as the competency requirements determined by the national registry organization, the ARRT. There are classes at UAA and at the University of Alaska Fairbanks.

MR. COLLINS said that UAA will soon offer a four-month semester-long program, which includes three courses that would cover all the elements necessary for a limited scope of practice license developed by the ARRT. This program would fill a training need for staff in rural communities around the state. This program could be implemented if HB 186 passes the legislature.

Number 2135

REPRESENTATIVE ROKEBERG asked whether developing the four-month program depends on passage of this bill.

MR. COLLINS explained that implementing this curriculum is independent of passage of HB 186.

REPRESENTATIVE ROKEBERG asked whether most health service providers that hire people in this field require ARRT certification.

MR. COLLINS said that certification of radiologic technologists is usually required by the providers' accrediting organization. For example, JCAHO, the Joint Commission on Accreditation of Healthcare Organizations, requires hospitals to employ ARRT-registered technologists.

REPRESENTATIVE ROKEBERG asked about the impact of a \$543 license biennial fee on an entry-level technologist.

Number 2081

MR. COLLINS replied that an entry-level wage for a radiographer ranges from \$36,000 to \$40,000. He said the graduates of the UAA program will earn a minimum of \$40,000 annually in the Anchorage area.

Number 2002

REPRESENTATIVE DAHLSTROM said she found answers to her question about the cost of licensing on the fiscal note. She noted her concerns about limited licenses for those practicing in the

rural communities but said she is confident that the next committee of referral, the House Health, Education and Social Services Standing Committee, will carefully review this issues.

REPRESENTATIVE ROKEBERG asked if the bill requires the Division of Occupational Licensing to implement regulations for the licensing of radiologic technologists.

Number 1967

RICK URION, Director, Division of Occupational Licensing, Department of Community & Economic Development, replied yes. When asked whether his staff has discussed doing advance work on these regulations, given the bill's effective date of July 1, 2003, he answered no.

REPRESENTATIVE ROKEBERG suggested that the division consider such advance work, if given authority to proceed by the Legislature. He suggested that the bill has not moved in past years because of its large fiscal note. He noted that its chances may be improved because a law passed several years ago allowing license fees to be treated as program receipts. He noted that the fiscal note and license fee of \$543 is based on 400 people becoming licensed. He commented that occupations which are regulated by boards generally have high overhead.

CHAIR ANDERSON advised that members of the Alaska Society of Radiologic Technicians agreed to the \$543 license fee.

REPRESENTATIVE ROKEBERG asked why HB 186 is necessary if the ARRT is already certifying radiologic technologists.

Number 1800

MS. RUFHOLM responded that the registry is a nationally recognized board. Individuals sit for the ARRT exam after they have finished their education and their clinical training to become radiologic technologists. This a voluntary exam, and the person must meet certain educational criteria to be able to sit for this exam and become certified. The individuals who practice in the rural areas without proper education or credentialing cannot even consider sitting for the ARRT exam.

REPRESENTATIVE ROKEBERG said he appreciates these efforts to protect the public. Because of the realities of rural Alaska, this bill could limit services by medical providers in rural Alaska.

Number 1725

MS. RUFSHOLM said her group's intent is not to bar health services in the rural areas. She explained that the Alaska society is asking that those individuals who are taking x-rays in the rural areas get some sort of education so they understand what they are doing. She stated that radiation is accumulative; it's a health hazard if not administered properly. She said that's why the UAA is working with her society to offer training for a limited license. The intent is not to require an associate degree for everyone working in the field.

REPRESENTATIVE ROKEBERG asked if having every operator in the state register with the ARRT would accomplish the same thing. He asked why create a board; why not require everyone who operates a machine to be certified.

Number 1646

MS. RUFSHOLM said there are other options besides creating a board. For example, another approach is having the state's radiation health office regulate radiologists.

MS. LUNG said that some states require a radiologic technologist to be registered with the ARRT, rather than having a professional board oversee them. Another option is requiring regular inspections of x-ray machines on a regular basis. She said patients in outlying areas of Alaska are entitled to the same quality of care that they would receive in an urban hospital from a registered radiologic technologist. She emphasized that radiologic procedures are not only done in a hospital; 40 percent are done in an outpatient setting or in a physician's office. These facilities don't have the same JCAHO requirements of hospitals.

Number 1516

REPRESENTATIVE DAHLSTROM moved to report the CS for HB 186, Version 25-LS0380\S, Lauterbach, 3/25/03, out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, CSHB 186(L&C) was reported from the House Labor and Commerce Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:27 p.m.